

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
ETHICS BOARD  
JULY 19, 2012 MINUTES**

Flag Salute

**SUNSHINE LAW:** The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this regular meeting in the annual schedule and notice of regular meetings of the Ethics Board. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to **The Record** and the **Ridgewood News**, posted on the Borough website and filed with the Borough of Dumont on November 21, 2011.

Jena Edone, who was appointed by the Mayor and Council as a member of the Ethics Board, on June 18, 2012, was introduced to the Board.

**ROLL CALL:** Thomas Ciotti, Jena Edone, Adriann Green, John McKenna, Ted Pomeroy, Thomas Reagan.

Also present at the meeting was Mayor James Kelly and Kathy Schaefer, Board Secretary.

Board Attorney Anne Marie Rizzuto was not present, as per the instruction of the Board.

Copies of the May 17, 2012 minutes were forwarded to the Board members prior to the meeting.

Motion to approve the minutes of May 17, 2012: Ms. Green

Second: Mr. Pomeroy

All in favor: Aye

Ms. Edone: Abstain

Copies of the Closed Session Meeting of May 17, 2012 were given to the Board members at the meeting.

Motion to approve the Closed Session minutes of May 17, 2012: Mr. Pomeroy

Second: Mr. Ciotti

All in favor: Aye

Ms. Edone: Abstain

Motion to open the meeting to the comments of the public: Mr. Reagan

Second: Mr. Pomeroy

All in favor: Aye

There being no members of the public at the meeting, Mr. Reagan made a motion to close the public comment.

Second: Mr. Pomeroy

All in favor: Aye

#### 2012 Ethics Board Budget:

Ms. Schaefer presented a worksheet showing the year-to-date expenses for the Board.

The 2012 Municipal budget which was approved on June 18, 2012 allowed a budget of \$2,565 for the Ethics Board. At the present time, the Board is over budget by \$345.70, mainly due to attorney fees incurred in connection with the first part of a complaint received by the Board in January regarding the Board having jurisdiction. This was the first complaint received by the Board at its first meeting this year and it was felt that it was necessary to have an attorney at each of the meetings. The budget forecast contained in the Board Attorney's letter dated July 18, 2012 of between \$3,250 and \$3,500 is an estimate for gathering and presenting information for the second part of the complaint - an advisory opinion.

Mr. Reagan stated that we have two scenarios; one, we need to talk to the Mayor and Council, no matter what we do going forward if we need to have more money in the budget, we are already in the negative, so that's whether we cut the attorney down, we have to have some sort of additional budget, maybe not at the \$3,200 number but some sort of number and the knowledge that this is probably what we need to get through the year unless there is another complaint, then we would have to come back to the Mayor and Council. Number two, we have to revisit this advisory as a team and going forward, as in the past, call on the attorney when we need her at the meetings.

Mr. Pomeroy stated that he feels that one of our biggest responsibility is that going forward we don't end up being drawn into the upcoming election. Mr. Ciotti asked if Mr. Pomeroy was saying we should have it resolved one way or the other before the election, because that to him (Mr. Ciotti) would be clearest way to make sure this doesn't happen in the future. Mr. Pomeroy thought that the best way was to clear the air right away.

Mr. Ciotti, addressing the Mayor, asked from a budget perspective, is it better to just say this is what we need once or keep coming back again. Mayor Kelly advised that the \$3,500 is not an actual bill, this is what the attorney is projecting. Mayor Kelly stated that he thought the best way to present it for him and the Council to discuss, was to get numbers back to him with as much information as we can get him and then he could present it to the Council. Obviously, the bills are coming in already and you are going over budget on the procedure that you have to follow. His understanding is that the Ethics Board goes by state guidelines and there are certain procedures that have to be followed and maybe that is what is driving up the cost. Obviously, all the costs are coming from legal costs except for \$200 in advertising fees.

Mr. Ciotti stated that he is not sure that not having jurisdiction was a result of not really having a quorum and it kind of defaulted to the "no". He didn't think that that vote had actually counted; that vote was open-ended and that is where the advisory came in. His opinion was that we should probably revisit that discussion tonight. Mr. Reagan questioned Ms. Edone as to whether or not she felt she was up on the complaint to which she responded yes. It was decided to revisit the jurisdiction issue again and rescind the original motion if necessary. Mayor Kelly left the meeting.

Motion to go into Closed Session: Mr. Reagan

Second: Ms. Edone

Roll Call Vote: Mr. Ciotti, Ms. Edone, Ms. Green, Mr. McKenna, Mr. Reagan-Yes  
Mr. Pomeroy-No

Whereupon, the meeting was closed to the public.

(Closed session minutes separate from regular session minutes.)

(End of regular meeting minutes.)

Minutes submitted by:

Kathy Schaefer  
Ethics Board Secretary